

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. BANK TRUST COMPANY, NATIONAL
ASSOCIATION, in its capacities as Trustees,

Plaintiffs,

-against-

DISH DBS CORPORATION, DISH NETWORK
L.L.C., EHOSTAR INTERCOMPANY
RECEIVABLE COMPANY L.L.C., DISH DBS
ISSUER LLC, and DBS INTERCOMPANY
RECEIVABLE L.L.C.,

Defendants.

24-CV-3646 (JGLC)

ORDER

JESSICA G. L. CLARKE, United States District Judge:

The Court has reviewed the discovery disputes at ECF Nos. 67–69 and rules as follows. With respect to Plaintiffs’ motion to compel Defendants to produce text and instant messages (ECF No. 67), that motion is GRANTED in part. It appears Defendants are in the process of collecting, reviewing and producing relevant instant messages. Defendants shall produce responsive instant messages by **May 5, 2025**. The motion is DENIED with respect to text messages in light of Defendants’ representation that their custodians did not use text messages to communicate about the matters at issue in this action.

Defendants seek certain documents either from Plaintiffs, as Trustees under two indentures, or directly from the relevant bondholders listed at ECF No. 69 at 1 n.1 (the “Bondholders”). It appears that the Bondholders have agreed to produce certain categories of documents and that the parties to this dispute could make additional progress through a further meet and confer. *See* ECF No. 69 at 5 n.9. As such, Defendants are directed to confer with the Bondholders regarding their proposed search terms and custodians and attempt to reach agreement. If any dispute remains after Defendants and the Bondholders exhaust the meet and

confer process, Defendants and the Bondholders shall file an updated joint submission by **May 2, 2025**. That submission must state each side's final proposed compromise position and why the opposing side finds the compromise position insufficient. *See* Individual Rule 4(k).

In light of the apparent overlap between ECF Nos. 68 and 69, the Court DENIES without prejudice Defendants' motion at ECF No. 68. Defendants may renew their motion after the issues raised in ECF No. 69 are resolved, assuming that there are documents within Plaintiffs' possession, custody and control that remain in dispute.

Lastly, the parties shall confer regarding a proposed amended case management plan in light of the fact discovery left to be done in this case. The parties are reminded to file any proposed plan at least 48 hours before the fact discovery deadline.

The Clerk of Court is respectfully directed to terminate ECF Nos. 67, 68 and 69.

Dated: April 16, 2025
New York, New York

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge